

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF DECEMBER, 2011 AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Ron Bonnema	-County Engineer
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INVOCATION**

A moment of silence was led by the Chair. The Chair asked during the moment of silence to take this time to remember Virginia Tech Officer Derik Crouse, who was slain on December 8, 2012 while on duty during a routine traffic stop.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **DELEGATIONS**

#### **Virginia Department of Transportation**

David Clarke, VDOT Christiansburg Residency, updated the Board on road issues/projects in Montgomery County.

### **Revenue Sharing Projects:**

- **State Route 643-Yellow Sulphur Road**

- Widen and surface treat 0.60 miles of non-hardsurfaced roadway

- Estimated Project Cost = \$552,000
    - Preliminary engineering and right of way acquisition are scheduled to begin in March 2012.
    - Ad date-March 2013

- **State Route 609-Willis Hollow Road**

- Widen and surface treat 0.43 miles of non-hardsurfaced roadway

- Estimated Project Cost = \$405,000
    - Final contract assembly is being completed.
    - Ad date-January 2012
    - End point changed to 0.43 miles due to steep slope beyond this point that would require extensive right of way acquisition, or expensive creek relocation.

- **State Route 637-Alleghany Spring Road**

- Bridge reconstruction

- Estimated Project Cost = \$351,000
    - Final traffic control layout is being designed and environmental permits obtained.
    - Ad date-May 2012
    - Project schedule was changed to not conflict with the Willis Hollow project. Since it could not likely be finished before the end of the 2012 construction season due to the time required to construct the box culvert

### **Traffic Engineering Studies:**

#### **In process**

- **State Route 669 Union Valley Road Speed Study**
- **State Route 638 Georges Run Speed Study**
- **State Route 705 Coal Hollow Road Speed study for 35mph**

### **Rural Rustic Road Review:**

As noted previously, the next two projects in the Six Year Plan are being developed as Rural Rustic Roads. These are State Route 639 Mount Pleasant Road up to State Route 722 Lavender Road, and State Route 606 Sidney Church Road. The last two roads that were removed from the Six Year Plan due to funding cuts are State Route 621 Craig's Creek Road and State Route 643 Yellow Sulphur Road. We are currently updating cost estimates for these projects. If the Board has any other specific roads it would like VDOT to look at to see if it would qualify as a Rural Rustic Road, please provide a listing for our review.

## **Maintenance:**

### **Last 30 days:**

- Shoulder wedging on Route 460 west of Blacksburg
- Repaired minor flood damage from a storm on November 29
- Patching on the following secondary routes:
  - Rt. 655- Patched over crosspipe install on Longshop Rd.
  - Rt. 708- Patched over crosspipe install on Norris Run
  - Rt. 657- Walnut springs Rd.
  - Rt. 657- Merrimac Rd.
  - Rt. 723- Ellett Rd.
  - Rt. 785- Catawba Rd.
  - Rt. 1101- Indian Meadow
  - Rt. 1102- Shawnee Tr.
  - Rt. 673- Camp Carrysbrook
  - Rt. 641 -Pine Hollow
- Working gravel roads on the following routes:
  - Rt. 643- Yellow Sulphur Rd.
  - Rt. 660- Crab Creek
  - Rt. 827- Bobcat Ln.
  - Rt. 712- Taylor Hollow Rd.
  - Rt. 752- Buckskin Rd.
  - Rt. 705- Coal Hollow Rd.
  - Rt. 720- Barringer Mtn. & Spaulding Rd.
  - Rt. 628- Gallion Ridge Rd.
  - Rt. 613- Bluesprings
  - Rt. 601- Poff School
  - Rt. 695 -Chestnut Ridge
  - Rt. 675- Elliot Creek
  - Rt. 609- Bonners Run
  - Rt. 607- Miles Rd

Supervisor Creed asked Mr. Clarke if he knew the outcome of the speed study conducted on Georges Run Road. Mr. Clarke replied that his office has not received the results of the study yet but he believes it was recommended to be posted at 35 mph.

Supervisor Creed reported that the shoulder of the road on Bradshaw Road is washing out causing erosion of the pavement in places along the road. He asked if VDOT could send out a maintenance crew to look into the problem.

Supervisor Politis reported problems on Brush Creek Road, on the Pilot side past Poff School Road, where part of the road is caving in. He received several calls from the school bus driver about this. Supervisor Politis also stated the low water bridge on Brush Creek Road is in terrible shape.

## **New Courthouse Construction Update**

Ron Riquelmy, Project Manager with ARCADIS, US, Inc., updated the Board of Supervisors on the construction progress of the new courthouse. Mr. Riquelmy reported that the project began in August 2009 with the Notice to Proceed issued in October 2009. The substantial completion date was estimated for October 2011. As of today, the projected final completion date is March 16, 2012. The project is 107 days behind schedule.

## **PUBLIC ADDRESS**

Mike Patel, owner of Rodeway Inn in Christiansburg off I-81 Exit 118C, expressed concern that the Exit 118C sign on Interstate 81 did not inform motorists of access to Christiansburg from this exit. The sign reads Shawsville/Elliston and he believes motorists do not know they can use this exit to get to the eastern areas of Christiansburg. He believes he is losing business as a result of poor signage. Mr. Patel asked the Board of Supervisors to request the Virginia Department of Transportation to install additional signage be installed to inform motorists of access to Christiansburg at Exit 118C.

There being no further speakers, the public address session was closed.

## **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated December 12, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
James D. Politis	

## **Approval of Minutes**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the minutes dated July 11, 2011 were approved.

## **Appropriations**

### **A-FY-12-44 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$834
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$834

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

### **A-FY-12-45 SHERIFF RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

310	Sheriff Comp Board	\$ 3,771
320	Sheriff County	\$69,224
322	Sheriff Project Lifesaver	<u>\$ 755</u>
Total		\$73,750

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$68,229
419104	Confiscations	\$ 4,766
424401	Project Lifesaver	<u>\$ 755</u>
Total		\$73,750

Said resolution appropriates recovered costs, asset forfeiture funds and Project Lifesaver funds for use by the Sheriff's Office.

**A-FY-12-46**  
**BOARD OF SUPERVISORS**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

100	Board of Supervisors	\$7,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02- 451203	Undesignated Fund Balance
	\$7,000

Said resolution appropriates Board of Supervisors funds that remained at June 30, 2011 for I-Pads.

**A-FY-12-47**  
**ECONOMIC DEVELOPMENT**  
**REIMBURSEMENT FOR COSTS ASSOCIATED WITH**  
**THE OBMS DEMOLITION AND ELLISTON LAFAYETTE ELEMENTARY**  
**SCHOOL ASBESTOS REMOVAL**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

451209	Transfer to County Capital Projects	\$40,902
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Capital Reserve	\$40,902
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012 for the function and in the amount as follows:

810	Economic Development Capital Projects	\$40,902
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$40,902
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Said resolution appropriates funds from the Capital Reserve to County Capital Projects to cover the cost of finishing the demolition of Old Blacksburg Middle School (OBMS), asbestos removal and testing at Elliston LaFayette Elementary School.

**A-FY-12-48**  
**ECONOMIC DEVELOPMENT**  
**GOVERNOR'S OPPORTUNITY FUND**  
**BACKCOUNTRY.COM PROJECT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

810	Economic Development	\$300,000
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The source of funds for the foregoing appropriation is as follows:

424500	Governor's Opportunity Funds	\$300,000
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Said resolution appropriates the Governor's Opportunity Fund proceeds for payment to BackCountry.com.

**R-FY-12-61**  
**RESOLUTION GRANTING A UTILITY EASEMENT**  
**TO APPALACHIAN POWER COMPANY**  
**FOR THE NEW BLACKSBURG HIGH SCHOOL PROPERTY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way easement across property owned by Montgomery County, identified as Tax Parcel #283-1-6 located at 3901 Prices Fork Road, Blacksburg, Va., to Appalachian Power Company to provide temporary power to service construction trailers at the new Blacksburg High School site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to Appalachian Power Company on behalf of the Board of Supervisors.

**R-FY-12-62**  
**RESOLUTION GRANTING A UTILITY EASEMENT**  
**TO APPALACHIAN POWER COMPANY**  
**FOR THE NEW AUBURN HIGH SCHOOL PROPERTY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way easement across property owned by Montgomery County, identified as Tax Parcel #119-A-37A and 119-A-43A, located in Riner Va., to Appalachian Power Company to install underground power lines at the new Auburn High School site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to Appalachian Power Company on behalf of the Board of Supervisors.

**R-FY-12-63**  
**RESOLUTION RECOGNIZING LOCAL**  
**VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS**  
**IN ORDER TO BE COVERED BY THE VIRGINIA LINE OF DUTY ACT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Pursuant to Section 9.1-801 of the Code of Virginia, a governing body must recognize all fire departments and rescue squads as an integral part of the official safety program of such governing body in order for the members of the fire departments and rescue squads to be covered by the Commonwealth of Virginia's Line of Duty Act.

NOW, THEREFORE BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby recognizes the following entities:

Riner Volunteer Fire Department  
Riner Volunteer Rescue Squad  
Elliston Volunteer Fire Department  
Shawsville Volunteer Rescue Squad  
Longshop/McCoy Volunteer Fire Department  
Longshop/McCoy Volunteer Rescue Squad

to be integral parts of the County's public safety program and as such, they are covered by the Virginia Line of Duty Act.



**R-FY-12-64**  
**NEW RIVER VALLEY**  
**EMERGENCY COMMUNICATIONS**  
**REGIONAL AUTHORITY APPOINTMENT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Craig Meadows** to the **New River Valley Emergency Communications Regional Authority**, and **L. Carol Edmonds** as his alternate, effective January 1, 2012 and expiring December 31, 2013.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

**R-FY-12-65**  
**SOCIAL SERVICES BOARD**  
**REAPPOINT CAROLINE CRIST**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Caroline Crist** to the **Social Services Board** effective December 18, 2011 and expiring December 17, 2015.

**OLD BUSINESS**

**ORD-FY-12-11**  
**AN ORDINANCE RENEWING**  
**AGRICULTURAL AND FORESTAL DISTRICT (AFD-2) CATAWBA**  
**IN THE MOUNT TABOR MAGISTERIAL DISTRICT**  
**CONSISTING OF APPROXIMATELY 5,843 ACRES**  
**WITHIN MONTGOMERY COUNTY, VIRGINIA**

On a motion by Annette S. Perkins, seconded by William H. Brown and carried unanimously,

WHEREAS, Carl Absher; Jason Boyle; James Brown, Jr.; John B. Sutphin Living Trust; William Caldwell, Jr.; Catawba Swine Center, Inc.; Leonard Cessac, Jr.; Carolyn Clayton; Charles Eakin; Warren Eakin; Elizabeth Flanagan; Kathleen Grubb; David Hancock; Samuel Hancock; Donald Heindel; Gordon Johnson; Katherine Hanbury Rev. Trust; David Kohl; Jeffrey Lignon; David McPherson; Evelyn McPherson; James McPherson; The Nature Conservancy; The Orr Living Trust; Frances Parsons; James Sarver; Terry Sink; Randolph

Tribble, Jr.; Randolph Vaden; Samuel Wall; Travis Wall; and Edward Yost filed applications for the renewal of AFD-2 on May 4, 2011, which Agricultural and Forestal District was created by an ordinance adopted on the 5<sup>th</sup> day of May, 1980; renewed by an ordinance adopted on the 12<sup>th</sup> day of October, 1987, and renewed by an ordinances adopted on the 10<sup>th</sup> day of October 1995, and the 15<sup>th</sup> day of May 2003; and

WHEREAS, The existing AFD-2 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 27, 2011; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on September 28, 2011, October 5, 2011, October 25, 2011, and November 2, 2011 in the News Messenger, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 12, 2011; and November 9, 2011; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on November 9, 2011; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 24, 2011 and November 28, 2011.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-2, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2019, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 5,843 acres in the Catawba Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

<b>PARCEL_ID</b>	<b>TAX_MAP_ID</b>	<b>OWNER1</b>	<b>OWNER2</b>	<b>ACRES</b>
000026	020- A 27	ABSHER CARL P	ABSHER REBECCA B	43.01
012656	030-A-2	BOYLE JASON		5.00
002600	31-A-19	BROWN JAMES HOWE JR		57.00
02599	031- A 46,41,44,*	BROWN JAMES HOWE JR		632.96
018960	043- 1 1A,5	JOHN BROWN SUTPHIN LIV TRUST	C/O JOHN B SUTPHIN TRUSTEE	82.79
018961	030- A 23	JOHN BROWN SUTPHIN LIV TRUST	C/O JOHN B SUTPHIN TRUSTEE	96.25
018942	029-6-3(30)(3)1	JOHN BROWN SUTPHIN LIV TRUST	C/O JOHN B SUTPHIN TRUSTEE	102.98
016322	030- 1 B	CALDWELL WILLIAM C JR	CALDWELL DONNA BOONE	39.27
028958	019- A 25	CATAWBA SWINE CENTER INC		13.25
016131	020- A 1A	CESSAC H LEONARD JR	CESSAC HELEN L	18.97
024157	020- A 1C	CLAYTON CAROLYN O		73.94
005691	020- A 19D	EAKIN CHARLES L		20.79
080297	20-A-18	EAKIN CHARLES L		143.36
005693	012- A 7,6,8,9,*	EAKIN WARREN B	EAKIN LILA G	107.97
005394	020- A 22,21,23,*	EAKIN WARREN B	EAKIN LILA G	86.80
036254	020- A 15,20A	EAKIN WARREN B	EAKIN LILA G	82.00
021550	020- 1 1	FLANAGAN ELIZABETH A	MITCHELL HARVEY MICHAEL	85.50
007623	019- A 17,31(A)5*	GRUBB KATHLEEN W		99.90
007624	031- A 53	GRUBB KATHLEEN W		87.24
007625	031- A 53A	GRUBB KATHLEEN W		60.27
008010	030- 2 2,3	HANCOCK DAVID MICHAEL	HANCOCK JANET RUTH	159.15
008009	030- 2 5	HANCOCK DAVID MICHAEL	HANCOCK JANET RUTH	30.22
008008	030- 2 4	HANCOCK SAMUEL LEE	HANCOCK JOHN MARK	37.97
008007	030- A 29	HANCOCK SAMUEL LEE	HANCOCK JOHN MARK	17.04
008006	043- A 25	HANCOCK SAMUEL LEE	HANCOCK JOHN	38.15

			MARK	
021199	020-A-1	HEINDEL, DONALD J. CONNIE M.		93.06
009762	020- A 6	JOHNSON GORDON G	JOHNSON NANCY M	93.50
007998	011- A 23	KATHERINE M HANBURY REV TR	KATHERINE M HANBURY TRUSTEE	135.00
030557	020- 1 3	KOHL DAVID M	KOHL KENDRA Z	74.80
016769	019- 3 15	LIGON JEFFREY E	LIGON CARRIE S	55.71
031716	019- A 19A	MCPHERSON DAVID R	MCPHERSON TINA D	29.54
012487	019- 1 1,5;19 A	MCPHERSON EVELYN D	ETAL	756.68
028959	019- A 27	MCPHERSON JAMES T	MCPHERSON JOYCE H.	10.02
032830	019- 1 1A,2,3,4	MCPHERSON JAMES T		53.57
012488	019- A 22	MCPHERSON JAMES THORNTON	MCPHERSON DAVID ROSS	142.00
012655	030- A 1	NATURE CONSERVANCY		221.60
013872	031- A 8,9,10- 13	ORR LIVING TRUST	ORR LESLIE F TRUSTEE	703.08
012881	030- A 36,37,28	PARSONS FRANCES M		269.93
012874	030- 2 1	PARSONS FRANCES M		4.64
012878	030- 2 7	PARSONS FRANCES M		73.63
012873	030- 2 8	PARSONS FRANCES M		107.93
140558	019- A 26B	SARVER JAMES E	SARVER JUDY C	69.88
100582	030- 2 8A	SINK TERRY L	PARSONS LINDA E	3.62
030850	030- A 27	TRIBBLE RANDOLPH LOUIS JR		38.42
030850	030-A-27	TRIBBLE RANDOLPH LOUIS JR		35.71
030850	30-A-27A	TRIBBLE RANDOLPH LOUIS JR		4.85
034015	012- A 25,26,27	VADEN RANDOLPH K	VADEN CARRIE A	170.00
007360	012- A 19,18	VADEN RANDOLPH K	VADEN CARRIE A	11.00
020288	031- A 5	WALL SAMUEL MARVIN	WALL DENNIS I	81.51
001272	19-A-15	TRAVIS WALL &		52.45

		CRYSTAL WICKLINE		
001273	19-A-16	TRAVIS WALL & CRYSTAL WICKLINE		35.00
100466	20-A-25A	YOST EDWARD D		5.00
021635	020-A 25,26	YOST EDWARD D		289.00
<b>TOTAL ACREAGE OF AFD 2</b>				<b>5843</b>

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
7. That all County ordinances and regulations shall be applicable within said District provided such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further, the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
9. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

### **NEW BUSINESS**

**A-FY-12-49  
LEAGUE OF WOMEN VOTERS  
TRANSFER FROM GENERAL CONTINGENCIES  
2012 FACTS FOR VOTERS BROCHURE**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
950	General Contingencies	(\$200)
<u>TO:</u>		
910	League of Women Voters	\$200

Said resolution transfers appropriated funds from General Contingencies to the League of Women Voters as a contribution to help cover the cost for the 2012 Facts for Voters publication.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

**R-FY-12-66**  
**RESOLUTION OF THE BOARD OF SUPERVISORS**  
**ECONOMIC DEVELOPMENT AUTHORITY**  
**SERIES 2007 BOND REFINANCING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

**WHEREAS**, The Board of Supervisors of the County of Montgomery, Virginia (**the “Board of Supervisors”**) has determined that the County of Montgomery, Virginia (**the “County”**) has an immediate need to (i) refinance the Economic Development Authority of Montgomery County, Virginia (**the “Authority”**) \$10,567,876 Taxable Revenue Bond, Series 2007 (**the “Prior Bond”**), which directly or indirectly refinanced prior borrowings of the Authority to finance the construction, renovation and equipping of the Technology Manufacturing Building located on certain land in the County (**together with such land and any other improvements located on such land, the “Project”**), through the issuance of the Authority’s Taxable Revenue Bond, Series 2011, in a principal amount not exceeding \$9,400,000 (**the “Bond”**), and (ii) pay the costs of issuance of the Bond, to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the “Act”**), and the Authority has agreed to do so; and

**WHEREAS**, There has been presented to the Board of Supervisors a plan for the refinancing of the Prior Bond involving the issuance of the Bond by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

**WHEREAS**, The Authority has received a proposal from StellarOne Bank (**the “Bank”**) for purchase of the Bond, payment of the Bond to be secured by a lien on and security interest in the Project granted pursuant to a deed of trust, and in connection therewith, the Bank has requested a moral obligation support agreement be entered into between the Authority and the County; and

**WHEREAS**, The Bank has agreed that the Bond may be repaid without penalty at any time; and

**WHEREAS**, There have been presented to this meeting drafts of the following documents (**the “Documents”**), copies of which shall be filed with the records of the Board of Supervisors:

1. a Bond Purchase and Loan Agreement between the Authority and the Bank providing for the purchase of the Bond and the loan of the monies from the sale of the Bond to repay the Prior Bond (**the “Bond Purchase and Loan Agreement”**);
2. a Support Agreement between the Authority and the County to undertake a non-binding obligation to appropriate from time to time monies to the Authority in connection with payments due on the Bonds;

3. an Assignment of Rents and Leases between the Authority and the Bank, assigning to the Bank leases and rental payments received from the Project (**the “Assignment”**); and
4. a Deed of Trust between the Authority and the trustees thereunder for the benefit of the Bank, securing the repayment of the Bond with a first deed of trust on the Project (**the “Deed of Trust”**).

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MONTGOMERY, VIRGINIA:**

1. The plan for refinancing the Prior Bond for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Bond in the maximum amount of \$9,400,000 and to use the proceeds therefrom to refinance the Prior Bond and pay costs of issuance. The Authority will sell the Bond to the Bank and agree to repay the same pursuant to the Bond Purchase and Loan Agreement. The Authority’s repayment obligations will be sufficient to pay interest and principal due on the Bond, all pursuant to the Bond Purchase and Loan Agreement. The obligation of the Authority to pay principal and interest on Bond will be limited to revenues received from the Project and appropriations of the County under the Support Agreement, if necessary. The obligation of the County to make any payments under the Support Agreement will be subject to the Board of Supervisors making appropriations for such purpose. The Bond will be secured by the Assignment, the Bond Purchase and Loan Agreement, the Deed of Trust and the Support Agreement. The issuance of the Bond maturing in three years from the issuance date at a per annum interest rate of 3.75% is hereby approved.
2. The Board hereby approves Woods Rogers PLC serving as Bond Counsel with respect to the Bond and as counsel for the Bank.
3. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Support Agreement, the Assignment, the Deed of Trust, the Bond Purchase and Loan Agreement and any other instruments executed by the Authority in connection with the issuance of the Bond, including designating and confirming the final provisions and other terms of the Bond. The Board of Supervisors acknowledge that the representations with respect to the County set forth in Section III of the Bond Purchase and Loan Agreement are true and accurate and that the warranties, covenants and agreements of the Authority in said Section III can appropriately be given by the Authority.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officer executing them, his execution to constitute conclusive



evidence of his approval of any such completions, omissions, insertions and changes. The series designation of the Bond may be changed if the Bond is not issued in 2011.

6. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Bond pursuant to the Support Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Bond.

7. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Bond and the refinancing of the Prior Bond are hereby approved and ratified.

8. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

9. The County hereby agrees to the extent permitted by law to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Bond and the refinancing of the Prior Bond.

10. Nothing in this Resolution or the Support Agreement, the Bond or the Documents shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable under the Support Agreement. All obligations of the County and the Board of Supervisors under the Support Agreement are subject to and dependent upon appropriations of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the Board of Supervisors.

11. This resolution shall take effect immediately.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

**R-FY-12-67**  
**WESTERN VIRGINIA REGIONAL**  
**JAIL AUTHORITY**

On a motion by Doug Marrs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following individuals to the Western Virginia Regional Jail Authority effective January 1, 2012 and expiring December 31, 2012:

Sheriff Tommy Whitt	Chief Deputy Robert L. Hall (alternate)
William H. Brown, Board of Supervisors	Gary D. Creed (alternate)
F. Craig Meadows, Staff Member	L. Carol Edmonds (alternate)

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That all annual appointments to the Western Virginia Regional Jail Authority shall be made by the Board of Supervisors prior to January 1 of the effective year.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

**COUNTY ADMINISTRATOR'S REPORT**

Legislative Dinner Meeting - The Legislative Dinner Meeting has been rescheduled to Tuesday, January 2, 2012 at 12:00 Noon.

Montgomery County Financial Audit for FY 2010-2011 has been distributed to the Board of Supervisors.

The County Administrator also commented it has been his pleasure to serve and work for Supervisor Doug Marrs and Supervisor John Muffo. Supervisors Marrs and Muffo both did not seek reelection and their terms end December 31, 2011.

The County Administrator wished everyone a Merry Christmas and Happy New Year.

## **BOARD OF SUPERVISORS' REPORTS**

**Supervisor Biggs** – **School Board** held their first meeting last week regarding the redistricting process. Rumors are already floating around about redistricting and Supervisor Biggs wanted to make it clear that no decisions have been made, as they have only had one meeting so far. There have been several meetings planned and surveys to be sent out to parents/citizens regarding the redistricting.

Supervisor Biggs expressed her gratitude to Supervisors Marrs and Muffo for their years of service on the Board of Supervisors and that they will be missed. She wished them luck in the future.

**Supervisor Perkins** reported that she also is hearing different rumors regarding the school redistricting and that people are upset regarding the potential redistricting.

Supervisor Perkins wished Supervisors Marrs and Muffo the best of luck moving forward and thanked them for their wisdom and perspective while serving as Board members.

**Supervisor Marrs** thanked the citizens of Montgomery County for voting him into office as their District B Supervisor for the last eight (8) years. He has enjoyed serving the citizens of Montgomery County. Supervisor Marrs also thanked his fellow Board members for their support over the last eight years.

**Supervisor Muffo** reported that the new Prices Fork Elementary School is a beautiful school and he is impressed with the technology installed in the school.

Supervisor Muffo stated it has been a privilege to serve with the Board of Supervisors and to serve the citizens of Montgomery County.

**Supervisor Creed** announced that the Public Service Authority's first meeting in January has been rescheduled from January 2 to January 10, 2012.

Supervisor Creed also expressed his appreciation to Supervisors Marrs and Muffo for their years of service on the Board of Supervisors. He applauded their dedication as a Board member.

**Supervisor Brown** thanked Supervisors Marrs and Muffo for their leadership. Supervisor Marrs served eight years and Supervisor Muffo served 12 years as a Board member.

**Supervisor Politis** expressed his appreciation to Supervisors Marrs and Muffo. He thanked them for their service as a Board of Supervisors member and also for their service on the different Boards and Commissions they were appointed to. They will be missed.

All Board members at this time wished the County employees and citizens of Montgomery County a happy holiday season.

### **ADJOURNMENT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, January 3, 2012 at 12:00 p.m. for a special legislative luncheon.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

The meeting adjourned at 8:20 p.m.

APPROVED: _____	ATTEST: _____
James D. Politis	F. Craig Meadows
Chair, Board of Supervisors	County Administrator